

REMARKS

Applicants hereby request further consideration of the application in view of the amendments above and the comments that follow.

Status of the Claims

Claims 1-28 are pending in the present application. Claims 1-7 and 24-26 stand rejected under Section 102(b) as being anticipated by U.S. Patent No. 5,904,737 to Preston et al. (Preston). Claims 25-26 stand rejected under Section 103(a) as being unpatentable over Preston in view of U.S. Patent No. 5,789,505 to Wilkinson et al. (Wilkinson). The Action indicates that Claims 8-23 would be allowable if rewritten in independent form.

Claims 8-23

Claim 8 has been rewritten in independent form.¹ Claims 9-23 depend from Claim 8 as amended. Accordingly, Claims 8-23 are now in condition for allowance.

The Rejection under Section 112

Claim 28 has been amended to address the rejection of Claim 28 under Section 112.

The Rejections under Sections 102 and 103

A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. *See Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991). Thus, anticipation requires that a single prior art reference disclose each and every element of the anticipated claim.

¹ Two amendments have been made to Claim 8 as compared to original Claim 1, as follows. In the first paragraph, "the divided working tank" has been replaced with "a divided working tank" to provide antecedent basis. In the fourth paragraph, "carbon" has been deleted.

Claims 1-7 and 24-30:

Claims 1 and 24 have been amended to recite that "the first and second liquid chambers share a common vapor space" and that the first and second liquid chambers are each defined in the divided working tank.

Claims 1 and 24 each stand rejected under Section 102 over Preston. As understood by applicants, the Action contends that Preston discloses a work tank **18** having a first liquid chamber (not numbered) and a second liquid chamber (the chamber of the still **70**), and that the first and second chambers have a common head space in the form of a line **28**.

Applicants respectfully disagree.

The line **28** is only employed to equalize the pressures of the storage tanks **18, 20** during refilling of the tanks **18, 20**. See Preston at col. 4, lines 12-21. Preston does not appear to teach or suggest any configuration of the system wherein the chamber defined by the tank **18** and the chamber defined by the still **70** may properly be considered to share the line **28** or any other volume as a "common vapor space" as recited in Claims 1 and 24. The still **70** does not define a chamber or volume in any tank other than the tank **18**.

Accordingly, Applicants respectfully submit that Claims 1 and 24 are not anticipated by Preston and would not have been obvious to the ordinarily skilled artisan in view of the cited art. Wilkinson does not satisfy the deficiencies of Preston. Claims 2-7 and 29 depend from Claim 1 and Claims 25-28 and 30 depend Claim 24 and therefore are also allowable over the cited art for at least the foregoing reasons.

At least certain of the dependent claims are further distinguishable from the cited art. New Claims 29 and 30 depend from Claims 1 and 24, respectively, and recite "wherein the common vapor space is defined within the divided working tank." By contrast, even if the line **28** of Preston could be regarded as a "common vapor space" as claimed, the line **28** is not defined within the storage tank **18**. Accordingly, Claims 29 and 30 are further distinguishable from the cited art for this additional reason.

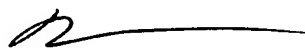
New Claim 31:

New Claim 31 recites the steps of original Claim 1 and further recites that the first and second liquid chambers are defined in the divided working tank and "wherein each of the foregoing steps is executed during a wash cycle." By contrast, in Preston, the carbon dioxide gas from the still **70** is directed to the transfer tank **12** (see Preston at col. 6, lines 4-6, and col. 7, lines 3-5). Liquid carbon dioxide is only provided from the transfer tank **12** "between each garment load or one time in the morning" (see Preston at col. 4, lines 13-20). Moreover, the still **70** only distills "approximately 3% of the carbon dioxide in chamber **32** per load of garments" (see Preston at col. 5, lines 64-67). As best understood from the passage at col. 6, lines 34-38 of Preston, when the still **70** is full the liquid carbon dioxide is rerouted away from the still and to the tanks **18, 20** and, in any event, this occurs after the wash cycle has ended. Thus, during a wash cycle of a garment load, the still **70** receives dry-cleaning solution but no dry-cleaning solution is transferred from the still **70** to the wash tank **32**.

CONCLUSION

Applicants respectfully submit that this application is now in condition for allowance, which action is requested. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

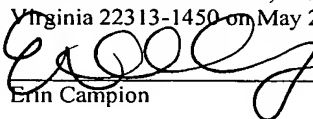


David D. Beatty
Registration No. 38,071
Attorney for Applicants

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

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Erin Campion